

On appeal, the appellant highlights that the job specification for ASR 4 indicates that “while incumbents at this level are not technically considered supervisors, they are expected to assist lower level staff by answering questions and providing guidance, advice, instruction, and training to enable them to learn the duties and responsibilities of the position.” She presents that the job specification does not indicate that part-time employees are not lower level staff. The appellant emphasizes that she has been training and guiding the same lower level staff on a daily basis for five years. She asserts that she has been performing the duties of a lead worker for the past 16 months by reviewing, directing, instructing and training two ASR 3s and three hourly employees on a regular and recurring basis who are performing the same duties as herself. She states that on her PCQ she indicated that she spent 25 percent of her time performing customer service lead worker duties and an additional 25 percent of her time leading support staff and, therefore, she claims that she indicated that she spends 50 percent of her time as a lead worker. Further, she questions the need to have to spend at least 50 percent of her time as a lead worker in order for her position to be classified as an ASR 4 because the job specification for this title does not indicate a certain percentage of time and only indicates that one needs to perform the required duties the “majority” of time. The appellant asserts that without the direction she provides these five individuals, her Bureau would not be able to properly support the public and collect significant revenue.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification ASR 3 states:

Under the general supervision of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.

The definition section of the job specification for ASR 4 states:

Under the direction of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes

customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.

In this present matter, a review of the job specifications for ASR 3 and ASR 4 indicates that the main difference between the titles is that an ASR 4 functions in a lead worker capacity while an ASR 3 does not. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014).

On appeal, the appellant asserts that she spends 50 percent of her time performing lead worker duties. She claims that she indicated this on her PCQ by describing her lead worker customer service duties (25 percent) and other leading support staff duties (25 percent). However, a review of her customer service duties on her PCQ, except for an example she provides, indicates that all of the duties that she describes, such as providing front-line and behind the scenes customer and support services, assisting, developing and maintaining several email resource accounts and coordinating the distribution of materials, acting as a liaison and other duties, are not lead worker duties. Further, while she describes some lead worker duties under the category of leading support staff, she also describes other non-lead worker duties such as opening and closing the front office, monitoring changes in regulations, ensuring that packets are available to the public, ordering and disseminating publications and digests, answering, transferring and taking telephone messages, coordinating staff to develop large mailings, composing correspondence, maintaining records and files and other duties. Therefore, based on the appellant's own description, she only spends a relatively small percentage of her time performing lead worker duties. Additionally, Agency Services' findings of fact lists seven different primary areas of duties that the appellant performs. Among these duties, only one of the seven duties indicated that the appellant has some lead worker responsibility providing guidance and training temporary part-time clerical staff in essential customer service and clerical duties.

Moreover, while the ASR 4 job specification does not specifically state that incumbents need to spend at least 50 percent of their time performing lead worker

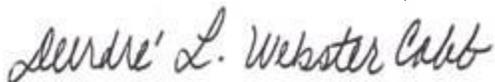
responsibilities, in order to be found performing the duties of a position, an employee must spend at least 50 percent of one's time performing the duties of the position. *See In the Matter of Battalion Fire Chief, Jersey City* (Commissioner of Personnel, decided October 16, 1991). Consequently, as the key difference between an ASR 3 and an ASR 4 is that an ASR 4 is a lead worker, it is required that in order for the appellant's position to rise to the level of an ASR 4, she must be spending at least 50 percent of her time performing lead worker duties. The fact that some of an employee's assigned duties may compare favorably with some examples of work in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Further, how well an employee does his or her job has no effect on the classification of a position currently occupied, as *positions*, not employees are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Consequently, a thorough review of the information presented in the record establishes that the appellant's position is properly classified as an ASR 3 and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Lauren Strazzeri is properly classified as an Agency Services Representative 3.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF AUGUST, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Robin Liebeskind
Kelly Glenn
Records Center